

ORDINANCE NO. 2015-16

Amend Personnel Ordinance HR0480, Smoking Policy, to conform with the Jefferson County Smoke Free Air Act

Executive Summary

Ordinance 2015-06, adopted on June 9, 2015, by the Jefferson County Board of Supervisors amended Ordinance 2003-06, Jefferson County Smoke Free Act, prohibiting the use of e-cigarettes and electronic delivery devices at any time in any county-owned, rented, or leased building, including the Fair Park grandstand.

It is the recommendation of the Human Resources Committee to update the Personnel Ordinance by amending the Smoking Policy to conform to and be consistent with the Jefferson County Smoke Free Act.

WHEREAS, an electronic cigarette is an oral device that can be used to simulate smoking which produces an aerosol of nicotine and/or other substances, including ultrafine particles, heavy metals, cancer-causing chemicals and other chemicals harmful to the human body, such as formaldehyde and diacetyl, and

WHEREAS, no e-cigarette has been approved by the Food and Drug Administration as a cessation device and e-cigarette users actually often continue to also smoke regular cigarettes or have increased intentions to smoke conventional cigarettes, and

WHEREAS, on June 6, 2015, the Jefferson County Board of Supervisors adopted Ordinance 2015-06 amending the Jefferson County Smoke Free Act policy prohibiting the use of e-cigarettes on any county-owned, rented or leased property.

NOW, THEREFORE, BE IT RESOLVED that the Human Resources Committee supports and recommends the amendment of Section HR0480, Smoking Policy, to compliment the Jefferson County Smoke Free Act policy and prohibit employees from using e-cigarettes on any county-owned, rented or leased property.

THE COUNTY BOARD OF SUPERVISORS OF JEFFERSON COUNTY DOES
HEREBY ORDAIN AS FOLLOWS:

Section 1. Section HR0480, Smoking Policy, is amended as follows, creating sections A and renumbering remaining sections:

HR0480 **SMOKING POLICY.** "Smoking" as the term is used in this Ordinance means ~~burning or holding, or inhaling or exhaling smoke from a lighted cigar, cigarette, pipe or any other lighted smoking item or equipment~~ inhaling, exhaling, burning or carrying any lighted or heated cigar, cigarette, pipe, or any other lighted or

heated tobacco or plant product intended for inhalation, including hookahs and marijuana, whether natural or synthetic, in any manner or in any form. "Smoking" shall include the use of an electronic delivery device which creates an aerosol or vapor, in any manner or in any form, or the use of any oral smoking device for the purpose of circumventing the prohibition of smoking.

A. "E-Cigarette or Electronic Delivery Device" shall mean any product containing or delivering nicotine or any other substance intended for human consumption that may be used by a person to simulate smoking through inhalation of vapor or aerosol from the product. "Electronic Delivery Device" shall include any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, or vape pen, or under any other product name or descriptor."

Section 2. This ordinance shall be effective after passage and publication as provided by law.

Fiscal Note: There is no fiscal impact.

Adopted by the Jefferson County Board of Supervisors this 13th day of October 2015.

s/Jim Schroeder

Jim Schroeder

Chair

ATTEST:

s/Barbara A. Frank

Barbara A. Frank, County Clerk

Published this 16th day of October 2015.

Ayes: **VOICE VOTE** Noes_____ Abstain_____ Absent_____ Vacant_____

Requested by
Human Resources Committee

10-13-15

Terri M. Palm: 9-11-15

REVIEWED: Administrator: BW; Corp. Counsel: JBW; Finance Director: BL